



General Assembly

January Session, 2007

**Committee Bill No. 1020**

LCO No. 4726

\*04726SB01020VA\_\*

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:  
(VA )

**AN ACT CONCERNING DISABLED VETERANS' PARTICIPATION IN  
THE STATE SET-ASIDE PROGRAM.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsections (a) and (b) of section 4a-60g of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2007*):

4 (a) As used in this section and sections 4a-60h to 4a-60j, inclusive,  
5 the following terms have the following meanings:

6 (1) "Small contractor" means any contractor, subcontractor,  
7 manufacturer or service company (A) which has been doing business  
8 under the same ownership and management and has maintained its  
9 principal place of business in the state, for a period of at least one year  
10 immediately prior to the date of application for certification under this  
11 section, (B) which had gross revenues not exceeding ten million dollars  
12 in the most recently completed fiscal year prior to such application and  
13 (C) at least fifty-one per cent of the ownership of which is held by a  
14 person or persons who exercise operational authority over the daily  
15 affairs of the business and have the power to direct the management

16 and policies and receive the beneficial interests of the business, except  
17 that a nonprofit corporation shall be construed to be a small contractor  
18 if such nonprofit corporation meets the requirements of subparagraphs  
19 (A) and (B) of this subdivision.

20 (2) "State agency" means each state board, commission, department,  
21 office, institution, council or other agency with the power to contract  
22 for goods or services itself or through its head.

23 (3) "Minority business enterprise" means any small contractor (A)  
24 fifty-one per cent or more of the capital stock, if any, or assets of which  
25 are owned by a person or persons (i) who exercise operational  
26 authority over the daily affairs of the enterprise, (ii) who have the  
27 power to direct the management and policies and receive the beneficial  
28 interest of the enterprise, and (iii) who are members of a minority, as  
29 such term is defined in subsection (a) of section 32-9n, (B) who is an  
30 individual with a disability, or a veteran with a disability, or (C) which  
31 is a nonprofit corporation in which fifty-one per cent or more of the  
32 persons who (i) exercise operational authority over the enterprise, and  
33 (ii) have the power to direct the management and policies of the  
34 enterprise are members of a minority, as defined in this subsection, or  
35 are individuals with a disability or veterans with a disability.

36 (4) "Affiliated" means the relationship in which a person directly, or  
37 indirectly through one or more intermediaries, controls, is controlled  
38 by or is under common control with another person.

39 (5) "Control" means the power to direct or cause the direction of the  
40 management and policies of any person, whether through the  
41 ownership of voting securities, by contract or through any other direct  
42 or indirect means. Control shall be presumed to exist if any person,  
43 directly or indirectly, owns, controls, holds with the power to vote, or  
44 holds proxies representing, twenty per cent or more of any voting  
45 securities of another person.

46 (6) "Person" means any individual, corporation, limited liability

47 company, partnership, association, joint stock company, business trust,  
48 unincorporated organization or other entity.

49 (7) "Individual with a disability" means an individual (A) having a  
50 physical impairment that substantially limits one or more of the major  
51 life activities of the individual or (B) having a record of such an  
52 impairment. "Individual with a disability" does not include a veteran  
53 with a disability.

54 (8) "Nonprofit corporation" means a nonprofit corporation  
55 incorporated pursuant to chapter 602 or any predecessor statutes  
56 thereto.

57 (9) "Veteran with a disability" means any person honorably  
58 discharged from, or released under honorable conditions from active  
59 service in, the armed forces, as defined in section 27-103, (A) having a  
60 physical impairment that substantially limits one or more of the major  
61 life activities of the individual, or (B) having a record of such an  
62 impairment.

63 (b) It is found and determined that there is a serious need to help  
64 small contractors, minority business enterprises, nonprofit  
65 organizations, [and] individuals with disabilities and veterans with  
66 disabilities to be considered for and awarded state contracts for the  
67 construction, reconstruction or rehabilitation of public buildings, the  
68 construction and maintenance of highways and the purchase of goods  
69 and services. Accordingly, the necessity, in the public interest and for  
70 the public benefit and good, of the provisions of this section, sections  
71 4a-60h to 4a-60j, inclusive, and sections 32-9i to 32-9p, inclusive, is  
72 declared as a matter of legislative determination. Notwithstanding any  
73 provisions of the general statutes to the contrary, and except as set  
74 forth herein, the head of each state agency and each political  
75 subdivision of the state other than a municipality shall set aside in each  
76 fiscal year, for award to small contractors, on the basis of competitive  
77 bidding procedures, contracts or portions of contracts for the  
78 construction, reconstruction or rehabilitation of public buildings, the

79 construction and maintenance of highways and the purchase of goods  
80 and services. Eligibility of nonprofit corporations under the provisions  
81 of this section shall be limited to predevelopment contracts awarded  
82 by the Commissioner of Economic and Community Development for  
83 housing projects. The total value of such contracts or portions thereof  
84 to be set aside by each such agency shall be at least twenty-five per  
85 cent of the total value of all contracts let by the head of such agency in  
86 each fiscal year, provided that neither: (1) A contract that may not be  
87 set aside due to a conflict with a federal law or regulation; or (2) a  
88 contract for any goods or services which have been determined by the  
89 Commissioner of Administrative Services to be not customarily  
90 available from or supplied by small contractors shall be included,  
91 except that the head of any such agency may set aside an amount  
92 based on the amount of all contracts not excluded from the calculation  
93 which are anticipated to be let in any fiscal year if the method of  
94 calculation for such year would result in a maximum value of contracts  
95 to be set aside of less than twenty-five per cent of the contracts  
96 anticipated to be let in such year or in a minimum value of contracts to  
97 be set aside of greater than twenty-five per cent of the contracts  
98 anticipated to be let in such year. Contracts or portions thereof having  
99 a value of not less than twenty-five per cent of the total value of all  
100 contracts or portions thereof to be set aside shall be reserved for  
101 awards to minority business enterprises.

102 Sec. 2. Subsection (a) of section 4a-57 of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective July*  
104 *1, 2007*):

105 (a) All purchases of, and contracts for, supplies, materials,  
106 equipment and contractual services, except purchases and contracts  
107 made pursuant to the provisions of subsection (b) of this section and  
108 public utility services as provided in subsection (e) of this section shall  
109 be based, when possible, on competitive bids or competitive  
110 negotiation. The commissioner shall solicit competitive bids or  
111 proposals by providing notice of the planned purchase in a form and

112 manner that the commissioner determines will maximize public  
113 participation in the competitive bidding or competitive negotiation  
114 process, including participation by small contractors, as defined in  
115 section 4a-60g, and promote competition. In the case of an expenditure  
116 which is estimated to exceed fifty thousand dollars, such notice shall  
117 be inserted, at least five calendar days before the final date of  
118 submitting bids or proposals, in two or more publications, at least one  
119 of which shall be a major daily newspaper published in the state and  
120 shall be posted on the Internet. Each notice of a planned purchase  
121 under this subsection shall indicate the type of goods and services to  
122 be purchased and the estimated value of the contract award. The  
123 notice shall also contain a notice of state contract requirements  
124 concerning nondiscrimination and affirmative action pursuant to  
125 section 4a-60 and, when applicable, requirements concerning the  
126 awarding of contracts to small contractors, minority business  
127 enterprises, individuals with a disability, veterans with a disability and  
128 nonprofit corporations pursuant to section 4a-60g, as amended by this  
129 act. Each bid and proposal shall be kept sealed or secured until opened  
130 publicly at the time stated in the notice soliciting such bid or proposal.

131 Sec. 3. Subsection (b) of section 4a-60h of the general statutes is  
132 repealed and the following is substituted in lieu thereof (*Effective July*  
133 *1, 2007*):

134 (b) The commissioner shall adopt regulations, in accordance with  
135 the provisions of chapter 54, to carry out the purposes of sections 4a-  
136 60g to 4a-60j, inclusive, as amended by this act. Such regulations shall  
137 include (1) provisions concerning the application of the program to  
138 individuals with a disability and veterans with a disability; (2)  
139 guidelines for a legally acceptable format for, and content of, letters of  
140 credit authorized under subsection (j) of section 4a-60g; (3) procedures  
141 for random site visits to the place of business of an applicant for  
142 certification at the time of application and at subsequent times, as  
143 necessary, to ensure the integrity of the application process; and (4)  
144 time limits for approval or disapproval of applications.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	4a-60g(a) and (b)
Sec. 2	<i>July 1, 2007</i>	4a-57(a)
Sec. 3	<i>July 1, 2007</i>	4a-60h(b)

***Statement of Purpose:***

To establish a separate category for disabled veterans in the state set-aside program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. DOYLE, 9th Dist.; REP. NAFIS, 27th Dist.  
REP. GUERRERA, 29th Dist.; REP. O'BRIEN, 24th Dist.

S.B. 1020